

CONTEMPT THREAT PROVOKED BY SLADE

Lawyer Ordered to Seat and
Then Warned at Trial of
Rae Tanzer.

OLIVER DESCRIBED AGAIN

A number of persons who met, saw, flirted or had still more serious relations with Oliver Osborne were witnesses yesterday at the trial of Rae Tanzer, who is accused of perjury in having identified Oliver Osborne with James W. Osborne.

The exciting charges between William Rand, Jr., special Government prosecutor, and Benjamin Slade of Rae Tanzer, counsel, which have led Judge Wolverton to rebuke Mr. Slade more than once, reached a climax when the court warned Mr. Slade that if he did not alter his methods he would be held in contempt of court.

While Reuben Peckham, a former law associate of James W. Osborne, was reading from a diary on the witness stand, Slade asked to see the book.

In the dispute that followed Judge Wolverton ordered Mr. Slade to his seat.

"I think I will leave the court room, your Honor," the lawyer answered. "I think I am entitled to some protection."

The judge again ordered him to be seated. Mr. Slade sat down and refused to get up to cross-examine Mr. Peckham until the court gave him permission. He did this several times and said he intended to do it through the rest of the trial, whereupon Judge Wolverton said:

"Mr. Slade, the course you are pursuing is very irregular, and if you continue the court will be forced to exert its authority by proceeding for contempt."

Not Afraid, Slade Says.

"As long as I continue to perform my full duty as an attorney I am not afraid of the court's admonitions," Slade retorted.

Henry Hartman, attorney for the Society for Psychical Research, was one of the witnesses who had seen Oliver Osborne. Mr. Hartman said he met Rae Tanzer by appointment at the rooms of his society to discuss a legal matter with her. Subsequently he saw the young woman with a man near Columbus Circle.

This man was not James W. Osborne, said Mr. Hartman, but "a large, well-groomed gentleman who carried a cane. He greeted the defendant in a friendly way. A prominent nose and a pleasant expression."

Mr. Hartman, cross-examined, said he was at one time a member of the District Attorney's staff of this county while James W. Osborne was an Assistant District Attorney.

Several letters from one Angus McDonald to Catherine MacDonnell were read. Angus is supposed to have been an alias of Oliver Osborne. In one of the letters the words were said:

"I only have a few dollars now, but I'll have my \$100,000, I am planning now how I'm going to spend it, and I won't be as mean as you are."

Amid the violent objections of Mr. Slade, James W. Osborne was recalled to the stand and told about the visit Oliver Osborne paid to him at the Sherman Square Hotel on the night of June 18, 1915.

At that time Oliver Osborne took all the blame for the deeds with which Rae Tanzer charged James W. Osborne. Mr. Osborne said that Oliver Osborne had a strong chin, a prominent nose, a fine figure and a sweet, soft voice.

"Did he have a West Point waist?" asked Mr. Rand.

"He had what I consider an almost perfect figure," said Mr. Osborne.

Mr. Slade wanted to know if Oliver looked as if he had on corsets. Mr. Osborne said no.

Mrs. Osborne Leaves Room.

Judge No. 2, Abraham M. Tompkins, asked Mr. Osborne why he hadn't taken the opportunity to get a photograph of the annoying Oliver. Mr. Osborne said: "Well, this is how I am affected when I was in trouble and offered to get me out of a hole. He gave me his address, and as he had come to me voluntarily I thought he would be honest enough to return the time appointed."

Mrs. James W. Osborne, by agreement of counsel, left the court room while her husband was testifying.

Mr. Osborne said he did not visit Mrs. Helen Kaiser, one of the women who knew Oliver Osborne.

Mrs. Osborne was called to the stand and corroborated her husband's testimony.

Miss Blanche Ungar told of seeing Oliver Osborne from the window of an uptown department store. Confronted by James W. Osborne, she said he was not the man. She admitted that the store detective, in sending her to James W. Osborne's office with the letters, had said that he wanted to see Mr. Osborne.

Mrs. Kaiser testified that, although not divorced, she had been engaged to Oliver Osborne, rejecting in his favor the attentions of a man named Constantine.

The trial continues this morning in the United States District Court.

FILM PATENT FIGHT LOST.

Federal Circuit Court of Appeals Says Monopoly Is Attempted.

The United States Circuit Court of Appeals in a decision written by Judge Augustus N. Hand and concurred in by Judges Cox and Taft, affirmed yesterday the dismissal of the patent suit brought by the Motion Picture Patents Company against the Universal Film Manufacturing Company, the Universal Film Exchange and the Pragma Amusement Company. The suit involved the right of the plaintiff concern to restrict the use of its machines to the projection of films controlled by the Motion Picture Patents Company.

The defendants lived up to the restriction until the Motion Picture Patents Company's patent on the special type of film expired. Then they attempted to use the machine for the projection of their own films. Judge Hand in his opinion upholds their right to do so. The company, he says, shows that the plaintiff company has a monopoly under its patents of projecting machines.

"If no films not manufactured by the complainant, can be used upon the machines," he added, "the complainant will obtain an absolute monopoly of the film business in spite of the fact that its patents on films has expired."

In another part of his decision Judge Hand says the company's contract enforcing the restriction as to the films involved restraint of trade.

Central Park Concert To-morrow. Concerts will be given on the Mall in Central Park at 4 o'clock in the afternoon to-morrow and Sunday, July 2. Cabot Ward, Park Commissioner, made the announcement, saying that a general citizen will defray the expenses. The park music committee of the Music League of America will give a concert on the Mall next Wednesday evening at 8 o'clock. Franz Kallenborn and his orchestra will play in Central Park on Sunday, June 25, at 4 o'clock.

SHEARN ALSO DECLINES TO SIT IN WIRE TAP CASE

Swann, However, Says He Will Continue Hunt for a
Judge to Preside at Open Hearing—Talley
Ready to Make Complaint Against Mayor.

Supreme Court Justice Shearn refused

yesterday to aid in the investigation of charges that certain persons have been guilty of a crime in tapping telephone wires. Other Judges are to be asked by the District Attorney to serve as an examining Magistrate.

Summoning it up, District Attorney Swann did not make much headway yesterday in his search for a Supreme Court Justice to conduct an open inquiry into the police ethics of tapping private telephone wires. The matter was put up to the prosecutor by Mayor Mitchell, who sent mass of evidence taken by detectives while "listening in" on wires running to houses of Catholic priests in Brooklyn and this city.

Alfred J. Talley, representing certain priests involved in the controversy, called on the District Attorney yesterday prepared to submit a complaint in the name of his clients, but Mr. Swann advised him that he had decided just what he would do in the case. He would not get into the facts in the case. The charge Mr. Talley offered to submit is directed against Judge Mitchell.

Mr. Swann said on Monday he will ask Supreme Court Justice Greenbaum to take up the open investigation. Justice Shearn said he had arranged to leave for California on July 3 and could not be delayed.

"All I want," said the District Attorney, "is to get some Judge who will give everybody a fair show on every phase of this question. I do not know whether the public is tired of it or not, but I feel that I shall have done my duty when I ask the General Sessions Judges and Judges of the Supreme Court to act. I feel that the subject should be threshed out in public and that is just what I am trying to get some Judge to do."

Mr. Talley said he had no choice concerning the manner of inquiring into the facts, but Peter J. Brady, who represents an secretary of the Allied Printing Trades Council, told the District Attorney he preferred a public hearing in the hope that everything learned would be sent to the public scrutiny. He also filed with the District Attorney a mass of documents containing the correspondence that has passed between Senator Thompson and himself in regard to the tapping of labor union wires.

"Along with the investigation of the practices of the police in tapping wires," said Mr. Brady, "we also request a complete investigation of their methods and activities in preserving peace during strikes."

In so far as the activities of our union are concerned, we have no objection to a most thorough investigation as to our attitude and practices in the conduct of strikes, as well as the conduct of our union affairs in the past and present of parliament and other city officials will show the same willingness to have their practices given the publicity which we insist upon."

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WOULD OPEN DOORS OF MILITIA TO JEWS

Maurice Simmons Prepared to
Ask Governor for Investi-
gating Commission.

CITES "FLAGRANT" CASE

Maurice Simmons, an attorney of 193 Broadway, said yesterday that he meant to put an end to the "scandalous" practice of barring Jews from the National Guard. He added that he was prepared to go to the extreme of appealing to Gov. Whitman to appoint a commission to investigate conditions in the State militia if such a step proved necessary.

The lawyer, who represents, among other Jewish organizations, the Committee for the Protection of the Good Name of Immigrant Peoples, said that the evidence which Mr. Simmons says he will introduce is an advertisement in a New York newspaper calling for recruits and containing the phrase "Christians Preferred."

In a statement given out to the press Mr. Simmons refers to "certain units of the National Guard in this city" as "exclusive social clubs, supported by the taxpayers, and devoted to the preservation of Jewish men, filled with patriotic devotion and knocking at the doors of the National Guard for the opportunity to serve the country."

being cast forth by intrenched bigotry in direct violation of the doctrine of the separation of church and State.

On June 15 Mr. Simmons wrote to Gen. Stoenberg protesting against being refused access to the records of the Eighth Coast Artillery Corps and calling the General's attitude toward the Jewish taxpayer has the right to inspect papers containing the names of the members of companies and similar information.

The lawyer contends that by means of these records he can prove absolutely that racial discrimination has existed in the National Guard and that officers have been sanctioned, perhaps participated, in the barring of applicants because they were Jews.

One "flagrant" case cited by Mr. Simmons in his letter is that of Charles M. Warner, 211 East Fifty-first street, a cross-examiner of the National Guard because of his religion and whose consequent protest was ignored by the authorities.

"I object," wrote the Colonel of the Eighth Coast Artillery, "the letter says, 'asking him to enter charges against the commander of his hospital corps for refusing to accept the duty of a recruit containing the words "Christians preferred." He received no answer to this communication. Then he wrote to Gen. Stoenberg. This letter also was not answered. The result of the charge remains in a state of apathy. This was a gross dereliction of duty on the part of the Adjutant-General."

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LUNATIC CAUSES PANIC IN A CROWDED COURT

Bridegroom Overpowers Several
Police Officers and Attendants
and Wrecks Cell.

A man who took a seat on the women's

side of the Essex Market police court yesterday attacked Capt. Michael McCormick viciously when he requested the intruder to move to the men's side. Giving a shout that started Magistrate Corrigan, he tried to tear off McCormick's coat. Even when assistance came in the person of Big Edgie Kenney, a court attendant, the man's antics became more violent.

Not content with throwing the 100 persons in the court into a panic, the lunatic next began frantic efforts to disarm the captain. He took the captain's revolver and fired a shot at the captain, Kenney and six policemen to get him to the detention room. When he was locked up with the eight prisoners awaiting a hearing he attacked the captain, Kenney and six policemen to get him to the detention room. When he was locked up with the eight prisoners awaiting a hearing he attacked the captain, Kenney and six policemen to get him to the detention room.

In the midst of the confusion William Wittenberg received a black eye and a sprained shoulder and Policeman Herman Fleishman was bitten on the hand. After the man was locked up in the detention room he was taken to the detention room. When he was locked up with the eight prisoners awaiting a hearing he attacked the captain, Kenney and six policemen to get him to the detention room.

Miss McDevitt, foster mother of the children and an assistant public school principal, had kept mother and children apart. Mrs. McDevitt, after the death of her husband, permitted Miss McDevitt, her sister-in-law, to adopt the children, who are all under 12. The mother's friends and prospects were in Pittsburgh and she had no privilege was denied to her, she says. Then she prevailed on the Ford company to transfer her to the Brooklyn office.

Miss McDevitt in opposing the application asserted that Mrs. McDevitt was "temporarily" unqualified to mother her children.

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